

Message Text

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ACTION ARA-14

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C O N F I D E N T I A L ASUNCION 5174

E.O. 11652: GDS

TAGS: SHUM, PINT, PA

SUBJECT: JAIL SENTENCE OF OPPOSITION LEADER DR. MARTINEZ YARYES
UPHELD

REFS: A) STATE 204061; B) ASUNCION 3445

1. SUMMARY: APPEALS COURT DECEMBER 22 UPHELD CONVICTION OF RADICAL LIBERAL LEADER, DR. MIGUEL ANGEL MARTINEZ YARYES, IN SLANDER AND DEFAMATION SUIT BROUGHT BY BRIGADIER GENERAL OTTELO CARPINELLI YEGROS. IMPRISONMENT TO BEGIN DECEMBER 22 UNDER A SENTENCE OF 29 MONTHS. APPEALS COURT DECISION TAKEN DESPITE EARLIER REPRESENTATIONS TO PARAGUAYAN OFFICIALS BY USG AND OTHERS REGARDING CASE. OUTCOME INDICATES GOP CONTINUES TO PLACE HIGHER PRIORITY ON COMPLETE POLITICAL DOMINANCE AT HOME THAN ON IMPROVING PERFORMANCE IN OBSERVANCE OF HUMAN RIGHTS, AND THEREBY ITS INTERNATIONAL REPUTATION IN THIS AREA. RADICAL LIBERAL LEADERS WILL TRY TO CREATE INTERNATIONAL FUROR OVER CASE THROUGH HUMAN RIGHTS GROUPS ABROAD. END SUMMARY.

2. THE CRIMINAL APPEALS COURT DECEMBER 22 UPHELD THE CONVICTION AND SENTENCE OF DR. MIGUEL ANGEL MARTINEZ YARYES, RADICAL LIBERAL LEADER AND PROMINENT PHYSICIAN. A LOWER COURT IN AUGUST HAD CONVICTED MARTINEZ YARYES ON LIBEL AND DEFAMATION CHARGES AND SENTENCED HIM TO 29 MONTHS IMPRISONMENT AND A FINE OF 75,000 GUARANIES
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(APPROX. US\$575). IN A DISSENTING OPINION, ONE JUDGE HELD THAT THE SENTENCE SHOULD BE REDUCED TO 12 MONTHS AND 45,000 GUARANIES (APPROX US\$345). MARTINEZ YARYES IS TO BE IMPRISONED DECEMBER 22 AND HIS LAWYER IS REPORTED TO HAVE SAID THAT NO FURTHER LEGAL RECOURSE IS OPEN.

2. SUIT STEMMED FROM JULY 1975 ARTICLE IN RADICAL LIBERAL

WEEKLY "EL RADICAL" WHEN MARTINEZ YARYES WAS DIRECTOR OF THE NEWS-PAPER. ALTHOUGH HE HAD NOT BEEN AWARE OF ARTICLE WHICH ACCUSED GENERAL CARPINELLI AND HIS TROOPS OF EVICTING PEASANTS, COURTS HELD HIM RESPONSIBLE FOR UNSIGNED ARTICLE. FURTHER BACKGROUND IS GIVEN IN REFTEL B.

3. PARAGUAYANS CONSIDER SENTENCE UNUSUALLY HARSH. APPEALS COURT CONFIRMATION OF MARTINEZ YARYES' CONVICTION AND SENTENCE IS FURTHER EVIDENCE THAT PRESIDENT STROESSNER IS CONTINUING HIS VENDETTA AGAINST THE MAJORITY FACTIONS OF THE LIBERALS. THIS, DESPITE STRONG REPRESENTATIONS ON MARTINEZ YARYES' BEHALF BY USG, INCLUDING ASST. SEC. TODMAN, AND MANY HUMAN RIGHTS ORGANIZATIONS. OUTCOME OF CASE ALSO INDICATES THAT GOP CONTINUES TO PLACE MUCH HIGHER PRIORITY ON MAINTAINING AUTHORITARIAN CONTROL AT HOME THAN ON IMPROVING ITS INTERNATIONAL REPUTATION IN HUMAN RIGHTS AREA.

4. RADICAL LIBERAL LEADERS, SEVERAL OF WHOM HAVE GOOD CONNECTIONS WITH HUMAN RIGHTS GROUPS ABROAD, WILL TRY TO CREATE AS MUCH INTERNATIONAL FUROR OVER THIS CASE IN THE HOPE THAT PUBLIC OUTSIDE PRESSURE MAY HAVE SOME EFFECT WHERE PRIVATE EFFORTS HAVE FAILED. THEY MAY ALSO FOCUS ATTENTION ON THE RELATED CASE OF DOROTEO GRANDEL, A PEASANT WHO WAS TESTIFYING ON BEHALF OF DR. MARTINEZ YARYES. GRANDEL, DETAINED BY ARMY PERSONNEL IN MAY 1976, HAS NOT BEEN HEARD OF SINCE DECEMBER 1976. GRANDEL'S DISAPPEARANCE IS ONE OF THOSE QUESTIONED IN AMNESTY INTERNATIONAL'S RECENTLY LAUNCHED CONFIDENTIAL

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CAMPAIGN ON PARAGUAY'S DISGRACEFUL HUMAN RIGHTS RECORD.
WHITE

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Message Attributes

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Disposition Case Number: n/a
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